IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 15TH MAY 2007 / 25TH VAISAKHA 1929

Bail Appl..No. 2835 of 2007()

(CRIME NO.120/06 OF MAVELIKKARA EXCISE RANGE)

PETITIONER/ACCUSED:

PEETHAMBARAN, S/O.NANU,
REMYA BHAVAN, VANCHIKUNNAM MURI,
VANCHIKUNNAN VILLAGE, MAVELIKKARA TALUK.

BY ADV. SRI.SALIM V.S.

RESPONDENTS: COMPLAINANTS:

1. **EXCISE INSPECTOR,**
   EXCISE RANGE, MAVELIKKARA.

2. **STATE OF KERALA, REPRESENTED BY**
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. K.C. SANTHOSH KUMARI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No.2835 of 2007

Dated this the 15th day of May 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner who is the second accused in C.R. No.120/06 of Mavelikkara Excise Range for an offence punishable under section 55(a) & 55(b) of the abkari Act for allegedly having been found in possession of 400.70 litres of spirit kept in 50 litres and 35 litre cannas, seeks anticipatory Bail.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case involving such grave offence. It is too early to accept the petitioner's contention that the petitioner has been falsely implicated. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly if the petitioner surrenders before the Magistrate concerned within two weeks from today and files an application for regular bail, the same shall be considered and disposed of preferably on the same day on which it is filed, bearing in mind the decision in **Sukumari v. State of Kerala (2001 (1) KLT 22).**

With the above observation this Application is disposed of.

V.RAMKUMAR,
JUDGE.

jsr